

## ARTICLE I. IN GENERAL

### Sec. 5-1. Definitions.

(a) *Animal control officer* means that person designated as the director of the division of animal control services for the county and his duly authorized officers or deputies, as well as the executive director of the county's contract agent and his duly authorized officers or deputies.

(b) *Animal control program* means that program within the division of animal control services of the department of community services of the county, or the county's designated contract agent or both, which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.

(c) *Animal control shelter* means the facilities provided for the impounding of animals.

(d) *Director of community services* means that person so designated by the governing body of the City of Belmont.

(e) *Dog licensing program* means that program within the division of animal control services of the department of community services of the county which is specifically charged with regulating, enforcing and selling dog licenses in San Mateo County.

(f) *Health officer* means that person who has been designated by the board of supervisors as the health officer of the county and any other person duly authorized by such health officer to act on his behalf.

(g) *Impoundment* means the picking up and confining of an animal by the animal control program.

(h) *Owner* means that person legally entitled to possession of the animal concerned or a member of the household or business where such animal is being kept or a designated agent of the person legally entitled to possession.

(i) *Person* includes corporations, estates, associations, partnerships, and trusts, as well as one (1) or more individuals.

(j) *Dangerous animal* means any animal, except a trained dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behaviors:

- (1) a. An attack, without provocation, which

requires a defensive action by any person to prevent bodily injury or property damage or that results in an injury to a person or property; or

- b. Any behavior, without provocation, that constitutes a physical threat of bodily harm to a person;

where such attack, injury or behavior occurs in a place where such person is conducting himself peaceably and lawfully.

- (2) An attack without provocation, on another animal or livestock, which occurs off the property of the owner of the attacking animal.
- (3) A violation of running or being at large off the animal owner's property and harassment or molestation of person(s).
- (4) An animal that creates a danger or constitutes a menace to the public's health and safety due to its training or the inherent nature of the animal.
- (5) A dog which has scars or wounds which are attributable to fights or altercations with another animal.

(k) *Peaceably and lawfully* means a person is upon the private property of an owner of the animal when he is on such property in the performance of any duty imposed upon him by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he is on such property upon invitation by the owner or his/her designee, expressed or implied.

(l) *Kennels* means the keeping of or causing to be kept more than ten (10) dogs at any one (1) premises whether a commercial or noncommercial kennel.

(m) *Commercial kennels* means the breeding, raising or keeping of dogs for sale; or the boarding, racing or other commercial handling of dogs or any combination of the foregoing by any person, firm or corporation.

(n) *Catteries* means a place, either indoors or enclosed, for the commercial breeding, raising or keeping of more than ten (10) cats; or the boarding or other commercial handling of more than ten (10) cats or any combination of the foregoing by any person, firm or corporation.

(Ord. No. 788, § 2, 2-9-88; Ord. No. 888, § 1, 11-8-94)

Cross reference—Definitions and rules of construction, § 1-2.

### Sec. 5-2. Animal control program.

(a) *Responsibility.* The animal control program is responsible for the enforcement of this chapter, and the duties of the director thereof and his officers, agents and employees shall include, but not be limited to, the following:

- (1) To administer an animal control shelter and keep such records as may be required by law or contract.
- (2) To impound animals which are in violation of this chapter, or for the safekeeping of the animal to protect its health and welfare.
- (3) To remove and dispose of the carcass of any animal found on any public highway, street, alley or other public place.
- (4) To quarantine animals under the direction of the county health officer.
- (5) To destroy and dispose of animals after due notice to the owner and pursuant to the procedures set forth herein.
- (6) To sell, when appropriate, impounded animals after due notice to the owner.
- (7) To enforce all provisions of this chapter.

(b) *Scope of Authority of Animal Control Officers.* Animal control officers appointed pursuant to California Civil Code, section 607f shall have the authority to issue notices to appear in court pursuant to chapter 5c (commencing with section 8953.5 of title 3 of part 2 of the Penal Code of the State of California) for violations of state and local animal control laws. This authority is based on section 607g of the California Civil Code.

(c) *Right to Contract for Animal Control Services.* The governing body may contract for animal control services to be performed county wide, including cities, provided agreement is made with other concerned jurisdictions.

(Ord. No. 788, § 2, 2-9-88)

### Sec. 5-3. Rabies vaccinations.

Every dog or cat owner, after his/her dog or cat attains the age of four (4) months of age and/or within ten (10) working days of purchasing a license shall procure from a licensed veterinarian, an antirabies vaccination to be administered in

the manner prescribed or approved by the state department of public health. This vaccination shall be obtained prior to issuing a license for the dog or cat. In addition, proof of vaccination shall be provided to the licensing program.

(Ord. No. 788, § 2, 2-9-88; Ord. No. 888, § 2, 11-8-94)

### Sec. 5-4. Dog and cat licenses.

(a) *Requirements.* An annual license fee shall be paid for every dog or cat over the age of four (4) months owned or harbored in this county or any city that has adopted the provisions of this section. Said annual license fee shall be first due when the animal reaches four (4) months of age or within sixty (60) days after the dog or cat is acquired, and due on the anniversary of the original purchase date each year thereafter. New residents shall have sixty (60) days in which to acquire such license. Persons renewing their license shall have thirty (30) days following their due date before being delinquent and having to pay a late penalty. The fee for such license shall be as set forth in section 5-24. The fee paid for the licensing of spayed and neutered dogs or cats shall be less than said license fee for unaltered dogs or cats upon presentation of the proper certification. The license fee paid by persons over the age of sixty (60) shall be at a discount. For purposes of this section any surcharge on the license fee imposed under section 5-24 shall not be considered part of the license fee. Any person who shall fail to pay such license fee after said fee is due, or said dog or cat is required to be licensed, shall, in addition to paying any past due license fee or fees, also pay a penalty in accordance with section 5-24. A license shall be obtained, but no license fee shall be payable for the licensing of any dog being raised, trained or used to assist handicapped persons (such as those provided by Canine Companions) including, but not limited to, any dog which is being trained for guide or hearing purposes by a resident of the city or used for guide or hearing purposes by a handicapped resident of the city and which has come from a guide or hearing dog training facility such as Canine Companions, or for dogs which have served as a member of the armed forces of the United States of America, or any dog used by a local law enforce-

ment agency for the purposes of crime prevention control. Dog or cat licenses are not transferable between owners; however, if the dog or cat dies and the owner acquires a new dog or cat, the license is transferable to the new dog or cat. The license does not have to be renewed until the original purchase anniversary date. The fee paid for a dog or cat license is not refundable. Licenses herein provided for shall be signed by the animal control program manager.

(b) *Exemptions.* The licensing provisions in this chapter are not applicable to the following:

- (1) Dogs or cats used for diagnostic purposes or research, the use having been approved by the California State Department of Health Services pursuant to section 1666 of the Health and Safety Code.
- (2) Dogs or cats used for teaching purposes in recognized educational institutions.
- (3) Dogs or cats owned by veterinarians which are licensed by the state and kept on the premises used by said veterinarians in their practice.
- (4) Dogs or cats kept by owners of pet shops for purposes of sale, for circuses, for animal exhibits, or for other enterprises for which a business license has been granted by a local government.

(c) *Tags.* The animal control program manager shall procure plates or tags which bear the number of the license. A record shall be kept with the name of the owner or possessor together with a description of the dog or cat for which the license is issued and the number of the license, and a tag shall be provided to such person upon payment for such license as provided by this chapter.

(d) *Duplicate tags.* Whenever a tag has been lost or stolen, the owner or possessor of the dog or cat concerned may request a duplicate tag upon payment of the required fee and on making and subscribing to an affidavit of such loss and filing the same with the animal control program manager.

(e) *Wearing of tag required.* The owner of a dog or cat for which a license is required shall affix such tag to a suitable collar, which collar shall remain on the dog or cat at all times.

(f) *Alternative identification / implants.* Dogs and cats with microchip implants or other permanent identification acceptable to the animal control services shall not be required to wear a tag or collar. All other licensing requirements of the part shall apply to such cat or dog.

(g) *Records.* The owner or operator of any kennel, animal breeding facility, pet shop, or any place or establishment where animals are sold shall keep a permanent record of the name, address and phone number of the purchaser of any dog or cat along with the breed, color, sex and age of each dog or cat sold or given away and shall forward such information to the animal control services within thirty (30) days thereafter. An animal control officer shall have the right to inspect such records during normal business hours, with forty-eight (48) hours' prior notice to the owner or operator.

(h) *Veterinarian responsibilities.* Every veterinarian who vaccinates or causes or directs to be vaccinated in the county any dog or cat with antirabies vaccine shall certify that such animal has been vaccinated. Every veterinarian shall submit to the licensing authority a copy of the county-approved antirabies vaccination form, within ten (10) days of the beginning of each month, for any dog or cat which he/she vaccinates or directs to be vaccinated with antirabies during the previous month. An animal control officer or animal licensing officer shall have the right to inspect records of rabies vaccinations during normal business hours.

(Ord. No. 788, § 2, 2-9-88; Ord. No. 793, § 1, 5-24-88; Ord. No. 888, § 3, 11-8-94)

**State law references**—Authority to license dogs, Agric. Code, § 38792; disposition of dog license, Agric. Code, § 30652.

## **Sec. 5-5. Public protection from dogs.**

(a) Every owner or possessor of a dog shall at all times prevent such dog from biting or physically harassing any person engaged in a lawful act and from interfering with the lawful use of public or private property.

(b) Every owner or possessor of a dog shall at all times prevent such dog from causing substantial injury to another domestic animal while such domestic animal is lawfully upon public or private

property. "Substantial injury" means any injury which results in veterinarian treatment or death.

(c) Every owner or possessor of a dog shall desist from commanding or provoking such dog to attack, sic or threaten a person when such person is peaceably and lawfully upon public or private property.

(d) Any person who violates any provision of subsection (a), (b) or (c) of this section is guilty of a misdemeanor. A trained dog assisting a peace officer engaged in law enforcement duties is excluded from this section.

(e) Nothing in subsection (a) of this section shall authorize the bringing of a criminal action arising out of bite(s) upon or physical harassment of members of the dog owner's or possessor's household.

(Ord. No. 788, 2, 2-9-88)

#### **Sec. 5-6. Prohibited conduct.**

No owner or possessor of any animal shall cause or permit it to do any of the following:

- (a) To be upon any public street, sidewalk, park, school ground, any public property, or upon any unenclosed premises in this jurisdiction unless the animal is properly licensed, if such licensing is necessary hereunder,

and under the control of the owner by being saddled, harnessed, haltered or leashed by a substantial chain, lead rope, or leash, which chain, lead rope, or leash shall be continuously held by some competent person capable of controlling such animal.

- (b) To trespass upon any private property without the consent of the owner thereof, and to knowingly permit the animal to remain upon the property or to habitually continue to trespass thereon.
- (c) To suffer or permit such animal to habitually bark or meow or act in such manner as to continuously disturb the peace of any citizen or to be a public nuisance.
- (d) To be without proper and adequate food, water, shelter, care and attention as described in section 597f of the Penal Code.

Subsection (a) of this section shall not be applicable to cats. (Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-7. Transportation of and unattended animals/motor vehicle.**

(a) No person, other than the individual actually working a dog or other animal for ranching purposes, shall transport or carry on any public roadway any dog or other animal in a motor vehicle unless the dog or other animal is safely enclosed within the vehicle or protected by a cap or container, cage, cross-tether, or other device to prevent the animal from falling from, being thrown from, or jumping from the motor vehicle. As used herein, "motor vehicle" includes, without limitation, automobile, pickup truck and trailer.

(b) No person shall leave a dog or other animal in any unattended motor vehicle without adequate ventilation or sanitary conditions, or in such a manner as to subject the animal to extreme temperatures which adversely affect the animal's health or safety.

(c) Notwithstanding any other provision of this chapter, a violation of subsection (a) or (b) of this section shall be an infraction. Any animal control officer or law enforcement officer who witnesses such a violation shall have the right to impound the animal if, in his opinion, the animal's health or safety is or will be thereby endangered. (Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-8. Permit for dangerous animals.**

(a) No person shall knowingly keep, have, maintain, sell, trade or let for hire an animal previously

identified as dangerous without obtaining a dangerous animal permit from the animal control officer. Violation of this requirement shall constitute a misdemeanor.

(b) Upon receipt of written or oral notification by the animal control officer that an animal is dangerous as defined by this chapter, the owner and/or possessor shall submit an application for a dangerous animal permit to the animal control officer within five (5) days. The application for a permit shall contain the name of the applicant, the applicant's address, the applicant's home and business telephone numbers, the address and description of the proposed location of where the animal will be kept, if different from the applicant's, a complete description, and a photograph of the animal.

(c) If the owner/possessor of an animal disputes identification of an animal as a dangerous animal by the animal control officer, he may submit a written request for a hearing to the animal control officer within five (5) working days of notification. Failure of the owner and/or possessor to request a hearing shall result in the animal's being declared dangerous, and the owner and/or possessor shall be subject to compliance with this section.

(d) The hearing pursuant to this section shall be conducted by the director of community services or a designated representative. Hearings shall be held not more than ten (10) days from the receipt of the request for the hearing and shall be conducted in an informal manner consistent with due process of law. A hearing may be continued if the hearing officer deems it necessary and proper or if the owner, custodian or animal control officer shows good cause. Both the owner of the animal and animal control services may present relevant evidence and call and cross-examine witnesses, but the strict rules of evidence shall not be applicable. The director or designated representative shall render a brief written decision which shall be final within ten (10) days of the hearing. Unless the hearing officer otherwise determines, the owner or possessor is liable for all costs related to such hearing, not to exceed two hundred fifty dollars (\$250.00). The failure to conduct a hearing required by this section shall have no bearing on any criminal prosecution for violation of any provisions of this chapter.

(e) A permit obtained under this section is not transferable. When a permittee's address or the location where the animal is kept changes, the

permit automatically becomes void and a new application must be submitted to the animal control officer. Violation of this subsection shall be a misdemeanor.

(f) This permit is subject to renewal and approval every year. The permittee shall pay an annual fee for this permit, pursuant to the procedures established by the division of animal control services. If the permittee fails to file application for renewal or pay the permit fee prior to the permit anniversary date, the permit automatically becomes void. The fee for such permit shall be as set forth in section 5-24. This fee shall not be refundable. (Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-9. Issuance of permit for dangerous animal.**

(a) The issuance of a permit shall be conditioned upon the animal owner, possessor or permittee promising to adhere to the rules and regulations specified in section 5-10 and to any reasonable criteria related to the proper care, control, maintenance and use of the animal which the animal control officer shall establish.

(b) The approval of the application can be conditioned upon whether or not the owner, possessor or permittee has a history of complaints filed with the animal control officer for violation of any sections of this chapter relating to the care and control of animals and/or the owner's, possessor's, or permittee's ability to conform to the provisions of this section. (Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-10. Rules and regulations.**

The division of animal control services hereby establishes that any owner and/or possessor of a dangerous animal shall adhere to the following rules and regulations:

- (a) When the animal is off its property, it must be restrained with a leash not to exceed four (4) feet in length and shall be under the direct control and supervision of the owner or possessor of such animal. Extraordinary care shall be taken by the owner or possessor to ensure that such leash is sufficient to control the animal in a manner in which it will not endanger other persons or animals.
- (b) The animal must be maintained so that it is no threat to any mail carrier, sanitation worker, meter person, or other person who has the lawful right to enter the property,

either by expressed or implied consent where the animal is maintained.

- (c) The animal is not allowed to be upon any unenclosed premises unless it is leashed and controlled by a person capable of controlling such animal. The animal is not allowed to be tethered, tied or staked on any unenclosed premises.
- (d) The animal must be kept in a fenced yard, kennel, run or enclosure approved by the animal control officer. The owner shall inspect the fenced yard, kennel, run or enclosure periodically to ensure that it is secure to maintain the animal.
- (e) The owner of the dangerous animal shall post the entrances to the property where the animal is kept with a legible sign conspicuous to the public warning persons of the presence of a dangerous animal.
- (f) The permittee, owner or possessor of a dangerous animal must advise all members that reside in the same household and on the same premises such conditions as established by the permit for keeping or maintaining the dangerous animal.
- (g) The owner shall strictly comply with all local and state laws regarding the care, use, control and maintenance of animals.
- (h) In addition to a dog license, the animal shall at all times wear a separate tag issued by the division of animal control services which designates it as a dangerous animals. (Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-11. Violation a misdemeanor.**

Notwithstanding any other provision of this chapter, a permittee in violation of section 5-10 shall be guilty of a misdemeanor. (Ord. No. 788, § 2, 2-9-88)

**State law reference**—Punishment for misdemeanor, Penal Code, § 19.

#### **Sec. 5-12. Inspection.**

Permits issued pursuant to this chapter shall provide that, as a condition for issuance, the premises upon which an animal is maintained shall be opened at any reasonable hour for inspection by the animal control officer and that the premises shall be surrendered for inspection by the permittee upon the request of the animal control officer. (Ord. No. 788, § 2, 2-9-88)

**Sec. 5-13. Revocation of permit.**

(a) Subject to the provisions of subsection (b), any permit issued pursuant to this section may be revoked if the animal control officer has reasonable cause to believe any of the following to be true:

- (1) The permittee, or the person caring for or having control, or his agent has violated any local animal ordinance, or is in violation of any zoning, health and safety or building ordinance or Penal Code section relating to the keeping, care or use of any animals;
- (2) The permittee has violated any rules, regulations or conditions adopted by the division of animal control services or any reasonable criteria established by the animal control officer as necessary to ensure the animal will not endanger the peace, health or safety of any person or property; or
- (3) The permittee has changed the location of his residence or his place of business or sells, assigns, transfers, donates, leases or otherwise disposes of the animal for which the permit was issued.

(b) If, after investigation, the animal control program concludes that it is probable that one (1) or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the permittee. The notice shall specify the grounds of possible revocation of the permit and shall specify a date and time for an informal hearing to be held before an animal control officer. The date shall be not less than five (5) days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit depending upon the permittee's ability to comply with the requirements of this chapter.

(c) In the event that it is reasonably necessary to protect against a potential or immediate threat or danger to the public or to an animal's health or safety, the animal control program may revoke any permit and impound the animal without a hearing, for a period of not to exceed thirty (30) days.

(d) Upon written or oral notification or the revocation of a permit for a dangerous animal, the owner or possessor of such animal shall within ten (10) calendar days of such notification sur-

render the animal to the animal control program or provide written proof to the animal control program in the form of declaration(s) under penalty of perjury that such animal has been permanently removed from the County of San Mateo. Failure to surrender such animal or provide the required proof of removal shall be a misdemeanor. (Ord. No. 788, § 2, 2-9-88)

**Sec. 5-14. Animals to be impounded.**

Every animal kept or found under conditions which constitute a violation of this chapter may be impounded by an animal control officer. With respect to diseased or dangerous animals, the animal control officer or his designee shall have the authority to enter the premises in a lawful manner, and to take up, impound and safely keep an animal. Upon denial, or revocation of a permit when an owner refuses to apply for a permit or when the animal control officer has reasonable cause to believe that any animal is dangerous, the animal control officer may also impound the animal and keep it for such period not to exceed ten (10) days in order to observe, examine and determine whether or not such animal is dangerous. Except as otherwise provided hereunder, an impounded animal may be redeemed by the owner or person entitled to its possession, after payment of the required fees and charges. In the event such animal is not so redeemed within ninety-six (96) hours, it may be either sold or destroyed, at the discretion of the animal control program. (Ord. No. 788, § 2, 2-9-88)

**Sec. 5-15. Notice to owner of animals impounded.**

Within twenty-four (24) hours of the impoundment of any animal, the animal control program shall mail a written notice thereof to the place of business or residence of the owner of the animal if known. The animal control officer shall maintain records of such impoundment pursuant to section 5-17. (Ord. No. 788, § 2, 2-9-88)

**Sec. 5-16. Hearing following impoundment.**

Except as otherwise provided, any owner or possessor of any animal impounded pursuant to this chapter is entitled to a hearing conducted by the health officer or by his designee (the "hearing officer") within ten (10) days following such impoundment provided such owner or possessor (the "petitioner") files a written petition therefor with the animal control program within three (3) days

following written notice of such impoundment. Unless the hearing officer otherwise determines, such petitioner is liable for all costs related to such impoundment. At the hearing, the petitioner and the animal control program may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Strict rules of evidence need not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The decision of the hearing officer or his designee shall be supported by the weight of the evidence. The petitioner shall be given written notice of the decision within fifteen (15) days of the hearing. The hearing officer or his designee according to this chapter may rule that the owner or possessor of the animal will lose all rights of ownership and control of the animal; may order that the animal will be destroyed if the animal has bitten or injured a person or domestic animal; may declare an animal to be a dangerous animal as defined in this chapter; and may require the owner or possessor, before the animal is released to his custody, to obtain a permit under section 5-9 and sign an agreement which contains conditions, such as, but not limited to, the following:

- (a) To keep the animal confined on his premises in an enclosure approved by the health officer or his designee;
- (b) To keep the animal securely muzzled, leashed and under the control of a person eighteen (18) years of age or older, and who is physically capable of restraining the animal when the animal is off his property;
- (c) To prove financial responsibility by posting a bond or certificate of insurance for an amount not to exceed one hundred thousand dollars (\$100,000.00);
- (d) To inform, along with the animal control program, any city, county or postal service employee, utility company meter readers, and anyone else who comes onto the property with implied consent or peaceably and lawfully, of the animal's viciousness if the animal is moved.

A violation of any of the terms or conditions of this agreement shall result in the animal's being impounded.

(Ord. No. 788, § 2, 2-9-88)

### **Sec. 5-16.1. Release from confinement.**

No person other than the owner or person authorized by the owner of the animal shall release any animal from confinement, vehicle or restraint unless such release is necessary to the immediate health and safety of the animal. This section shall not apply to peace officers or animal control officers.

(Ord. No. 888, § 4, 11-8-94)

**Editor's note**—Section 4 of Ord. No. 888, adopted Nov. 8, 1994, added § 5-16-A. Said section has been included herein as § 5-16.1 in order to conform to the numbering style of this Code.

### **Sec. 5-17. Record of impounded animals.**

The animal control shelter shall keep a record of all animals impounded, which record shall include a description of the animal, the date of its receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees and charges and proceeds of sales received on account thereof, and such additional matters as may be necessary and incidental to implementing this chapter. Such records shall be kept for five (5) years.

(Ord. No. 788, § 2, 2-9-88)

### **Sec. 5-18. Redemption.**

(a) Except as otherwise provided by this chapter or by any other law, the owner or person entitled to the control or custody of any animal impounded may, at any time before the sale or other disposition thereof, redeem the same by paying all proper fees assessed by the animal control services. Animal control services shall issue to the owner duplicate receipts for the amount of the fee paid.

(b) Upon redemption of any impounded unaltered animal, the owner will be required to pay a spay/neuter fee in the amount of thirty-five dollars (\$35.00) in addition to the impound fees imposed under section 5-24. Such fee shall be refundable upon proof of spay/neuter of the animal within thirty (30) days of the redemption date. Any unaltered animal impounded twice or more within a three-year period shall be altered at the owner's expense prior to redemption. At the option of the owner, required spaying or neutering may be performed by a private veterinarian.



(c) Any owner of an impounded animal subject to mandatory spay/neuter under subsection (b) may petition, in writing, for a hearing conducted by the animal control program manager or his or her designee within three (3) days following notice of the second impoundment. The hearing shall be held within (4) working days of receipt of such petition. After the hearing, the hearing officer may require that the animal be spayed or neutered at the owner's expense, unless the hearing officer determines that good cause exists for not requiring that the animal be spayed or neutered.

(Ord. No. 788, § 2, 2-9-88; Ord. No. 888, § 5, 11-8-94)

### **5-19. Redemption fees.**

Fees for animal shelter services shall be as set forth in section 5-24. No animal shall be released to its owner or possessor unless and until such fees are paid in full.

(Ord. No. 788, § 2, 2-9-88)

### **Sec. 5-20. License fee to be paid upon redemption.**

No impounded dog may be redeemed unless and until its license fee and applicable penalty has been paid.

(Ord. No. 788, § 2, 2-9-88)

### **Sec. 5-21. Epidemics.**

The county department of health services may determine and declare that rabies or other contagious diseases are epidemic or that other health and safety hazards exist among dogs or other animals within the county. Upon the making of such a declaration, the county health officer shall prepare and promulgate such orders, rules and regulations as are necessary for the appropriate control of all the animals concerned within the county. Such rules and regulations of the county health officer may include, but are not limited to, impoundment, quarantine, vaccination or destruction. It shall be the duty of animal control officers to assist the county health officer in carrying out such rules and regulations.

(Ord. No. 788, § 2, 2-9-88)

### **Sec. 5-22. Bite reporting requirements.**

It is the duty of every person having knowledge that any animal has bitten a human being to report that fact immediately to the county department of health services, animal control program, or to the local law enforcement agency having jurisdiction.

(Ord. No. 788, § 2, 2-9-88)

### **Sec. 5-23. Quarantine, inspection, field return and service fees.**

(a) *Quarantine fee:* A fee shall be charged for the costs incurred by the county for the quarantine of animals, including but limited to investigation, inspection of property, confinement, examination and release of the animal from quarantine. The fee charged shall be paid by the owner or person who has custody of the animal. Such fee shall be in addition to the actual costs of the health officer or his designee in housing, feeding and otherwise caring for a quarantined animal. Such fee shall be set forth in section 5-24.

(b) *Inspection fee:* A fee shall be charged for the costs incurred by county for all inspection or reinspection of property. The fee charged shall be paid by the owner or person who has custody of the animal. Such fee shall be set forth in section 5-24.

(c) *Field return fee:* A fee shall be charged for any animal impounded by an animal control officer and returned by the officer in the field to the owner or person who has custody of the animal. The fee charged shall be paid by the owner or person who has custody of the animal. Such fee shall be set forth in section 5-24.

(d) *Service fees:* Animal control service fees for redemption of impounded animals, relinquishment, adoption, disposal, abatement, rescue, veterinary treatment or other services not specified in section 5-24 shall be reviewed by the chief of police or his designee for reimbursement of costs. The chief of police or his designee shall have the authority to determine the fee charged for said services. The fee charged shall be paid by the owner or person who has custody of animal(s) for which said services have been provided.

(Ord. No. 788, § 2, 2-9-88; Ord. No. 832, § 1, 9-25-90)

**Sec. 5-23.1. Keeping of dogs and/or cats.**

It shall be unlawful for any person to keep or cause to be kept or to assist in keeping more than four (4) dogs or four (4) cats or any combination of dogs and cats totaling more than four (4) at any one (1) premises within one-half (½) mile of any adjoining residence in the county, unless in conformance with this chapter or unless in conformance with a fancier's permit issued under Article IB of this chapter.

(Ord. No. 888, § 4, 11-8-94)

**Editor's note**—Section 9 of Ord. No. 888, adopted Nov. 8-1994, added § 5-23-A. Said section has been included herein as § 5-23.1 in order to conform to the numbering style of this Code.

**Sec. 5-24. Schedule of fees and charges.**

Fees and charges referred to in this chapter are as follows:

**(a) Dog license fee:**

Unaltered dog, which includes a fifty-cent surcharge for the Animal Population Trust Fund .....	\$ 21.00
Altered dog .....	11.00
Senior discount (with proof citizen is sixty (60) years of age or older):	
Unaltered .....	11.00
Altered .....	6.00
Late penalty .....	5.00
Duplicate tag .....	3.00

**Cat license fee:**

Unaltered cat, which includes a fifty-cent surcharge for the Animal Population Trust Fund .....	11.00
Altered cat .....	6.00
Senior discount (with proof citizen is sixty (60) years of age or older):	
Unaltered .....	6.00
Altered .....	4.00
Late penalty .....	5.00

Duplicate tag .....	3.00
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**Hybrid registration:**

Unaltered .....	25.00
Altered .....	15.00

**(b) Redemption charges:****(1) Type A (large size animals, i.e., horses, cows, etc.):**

Impound cost .....	50.00
Board cost, per day .....	16.00
Trailer fee, per use .....	50.00

**(2) Type B (medium-size animals, i.e., hogs, sheep, etc.):**

Impound cost .....	30.00
Board cost, per day .....	12.00
Trailer fee, per use .....	50.00

**(3) Type C (dogs, cats and wolfhybrids):**

Impound Cost	Altered	Unaltered
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First offense		
—Licensed or registered hybrid wearing tag	\$20.00	\$40.00
—Unlicensed, no tag	30.00	60.00
Second offense	60.00	80.00
Third offense	90.00	110.00
Fourth offense	120.00	140.00
Fifth offense and up and up	150.00	170.00

Board Cost	Per Day
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Dogs/hybrids .....	\$10.00
Cats .....	7.00

**(4) Type D (small-size animals, i.e., birds, hamsters):**

Impound cost .....	5.00
Board cost, per day .....	1.50

(c) Quarantine fee .....	35.00
(d) Dangerous animal permit fee .....	100.00
(e) Field return fee .....	25.00
(f) Property inspection fee .....	25.00
(g) Breeding permit fee .....	25.00

- (h) Fancier's permit fee, per household..... 10.00
  - (i) The animal control program may establish license discounts for recognized rescue organizations.
- (Ord. No. 788, § 2, 2-9-88; Ord. No. 793, § 2, 5-24-88; Ord. No. 832, § 1, 9-25-90; Ord. No. 888, § 6, 11-8-94)

#### **Sec. 5-25. Penalty for violation.**

Except as specifically stated elsewhere, any violation of the provisions of this chapter, including those provisions relating to required fees, shall be punishable as an infraction, the penalty for which shall be as follows:

- (a) A fine not exceeding one hundred dollars (\$100.00) for a first violation.
- (b) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year.
- (c) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one (1) year.

(Ord. No. 788, § 2, 2-9-88)

**State law reference**—Penalty for violation of infraction, Gov. Code, § 36900(b).

#### **Sec. 5-26. Use of license and other revenue.**

All revenue derived from the fee schedule and from fines, forfeitures and penalties related to the enforcement of this chapter shall be used to offset the cost of enforcement and administration of this chapter.

(Ord. No. 788, § 2, 2-9-88)

#### **Sec. 5-27. Canine feces.**

(a) No owner or possessor, or person having control of any dog, shall do any of the following:

- (1) Permit or allow the dog to defecate upon the public property of the city or upon the private property of another person without the consent of the occupant or owner of that property unless the owner or the person having control or custody of the dog immediately removes the feces and properly disposes of it;

- (2) Walk a dog on public property of the city or upon the private property of a person without carrying at all times a suitable container or other suitable instrument for the removal and disposal of canine feces;
- (3) Fail to dispose of the container of the feces in a sanitary manner;

(b) Notwithstanding any other provision of this chapter, a violation of this section shall be an infraction, punishable as follows:

- (1) For the first violation, a fine of fifty dollars (\$50.00).
- (2) For the second violation, a fine of one hundred dollars (\$100.00).
- (3) For the third and subsequent violation, a fine of two hundred dollars (\$200.00).

(Ord. No. 788, § 2, 2-9-88)

#### **Secs. 5-27.1—5-27.4. Reserved.**

### **ARTICLE IA. SPAYING/NEUTERING OF CERTAIN DOGS AND CATS AND BREEDING PERMIT PROGRAM\***

#### **Sec. 5-27.5. Spaying/neutering.**

(a) No person shall own or harbor, within unincorporated San Mateo County or any city that has adopted the provisions of this chapter, any cat or dog over the age of six (6) months which has not been spayed or neutered, unless such person holds either a license to keep an unaltered dog or cat or license and permit for breeding cats or dogs issued by San Mateo County Animal Control Services under section 5-27.6 of this chapter.

(b) A license shall be issued for an unaltered dog or cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit under section 5-27.6 of this Code.

**\*Editor's note**—Section 7 of Ord. No. 888, adopted Nov. 8, 1994, provided for the addition of Art. I-A, §§ A-5-1—A-5-5. In order to maintain style of this Code, said article has been included herein as Art. IA, §§ 5-27.5—5-27.9.